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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,584	03/20/2001	Katsuya Yamada	122.1442	9225

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,584

Applicant(s)

YAMADA ET AL.

Examiner

Benjamin R Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,8,9,11,12,15,16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,8,9,11,12,15 and 16 is/are rejected.
- 7) ☐ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20041210</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Status of Claims:

Claims 3, 4, 8, 9, 11, 12, 15, 16, 18 are pending in this Office Action.

Claims 1-2, 5-7, 10, 13-14, 17 are cancelled.

The information disclosure statement filed on 12/10/04 has been considered.

The priority date of November 16, 2000 is correct and given priority.

Claim Objections

Claim 18 is objected to because of the following informalities: It references a cancelled claim, claim 6. Appropriate correction is required.

Response to Arguments

Applicant's arguments filed in the amendment filed 12/16/04, have been fully considered but they are not persuasive. The reasons are set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 8, 11 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 3, an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

- a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

- a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65):

- a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

- The Seli reference does not explicitly state using a log.

- The Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

- The Gusler reference further teaches an effective method for backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli while employing a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claim 11 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Gusler et al and Seli.

Regarding claim 11, the apparatus for setting the environment of a client in a client/server system according to claim 3, wherein said server has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

Regarding claim 8, a method for setting the environment of a client in a client/server system (Seli: col. 6, lines 53-67), said method comprising:

- recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

- installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), wherein:

- a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4),

- one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7),

- the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

- The Seli reference does not explicitly state using a log.

- The Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

- The Gusler reference further teaches an effective method for backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

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Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli while employing a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al.

Regarding claim 4, an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

- a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

- a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65):

- a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference mentions restoring application programs and data but does not mention updating them.

The Rodriguez reference teaches updating applications to the latest version (Rodriguez: col. 6, lines 59-col. 7, line 18).

The Rodriguez reference further teaches the invention overcomes the problem of having an installer or technician to physically travel to the client (Rodriguez: col. 7, lines 6-17)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli while updating applications to the latest version as taught by Rodriguez in order to eliminate the need for personnel to physically travel to the client (Rodriguez: col. 7, lines 6-17).

Regarding claim 9, a computer readable program recording medium for recording a program causing a computer to set the environment of a client in a client/server system (Seli: col. 6, lines 53-67), by:

- recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

- installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), wherein:

- a plurality of kinds of data are prepared in said server as the backed-up data (Seli: col. 2, lines 65- col. 3, line 4), one of the plurality of kinds of data is selected (Seli: col. 9, lines 3-10; lines 38-42), the selected one kind of data comprising data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference mentions restoring application programs and data but does not mention updating them.

The Rodriguez reference teaches updating applications to the latest version (Rodriguez: col. 6, lines 59-col. 7, line 18).

The Rodriguez reference further teaches the invention overcomes the problem of having an installer or technician to physically travel to the client (Rodriguez: col. 7, lines 6-17)

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli while updating applications to the latest version as taught by Rodriguez in order to eliminate the need for personnel to physically travel to the client (Rodriguez: col. 7, lines 6-17).

Claim 12 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Publication No. 2002/0156965 by Gusler et al.

Regarding claim 12,

The Seli and Rodriguez references teach the apparatus for setting the environment of a client in a client/server system according to claim 4.

The Seli and Rodriguez references do not explicitly state using a log.

The Gusler reference has a unit keeping a log of processing performed on said client (Gusler: page 3, para 36; para 39).

The Gusler reference further teaches an effective method for backing up computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by Seli and Rodriguez while employing a log as taught by Gusler in order to effectively backup computers overcoming the burden to manually backing up data on a regular basis (Gusler: page 1, para 7-9).

Claims 15 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Publication No. 2002/0156965 by Gusler et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 15,

The Seli and Gusler references teach the apparatus for setting the environment of a client in a client/server system with a log according to claim 6.

The Seli and Gusler references mention backing up and recovering file data but do not explicitly state documents.

The Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44).

The Cheffetz reference further teaches the invention uses two stages to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as taught by Seli and Gusler while periodically sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Claims 16 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No. 6,487,718 by Rodriguez et al in further view of U.S. Patent No. 5,133,065 by Cheffetz.

Regarding claim 16,

The Seli and Rodriguez references teach the apparatus for setting the environment of a client in a client/server system with a log according to claim 6.

The Seli and Rodriguez references mention backing up and recovering file data but do not explicitly state documents.

The Cheffetz reference teaches wherein said client periodically sends document data to said server (Cheffetz: col. 5, lines 20-26; col. 3, lines 60-68; col. 1, lines 30-44).

The Cheffetz reference further teaches the invention uses two stages to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allows incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

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Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server with a log as taught by Seli and Rodriguez while periodically sending document data as taught by Cheffetz in order to minimize network consumption (Cheffetz: col. 3, lines 36-40) and allow incremental backups can be scheduled for off peak times (Cheffetz: col. 4, lines 6-16).

Claim 18 would be rejected under similar prior art as it contains identical limitations.

REMARKS

Applicant has amended claims 3, 4 to be in independent form with features of previous claims.

The Applicant Argues:

Applicant argues the invention is more useful than that of Gusler because the log can be used for troubleshooting. The Applicant has argued a broad limitation of "a unit keeping a log of processing performed on said client" saying that the operators can analyze reasons why the restoration has failed or provide key information to the operator to considered which procedure has caused the failure.

In response, the examiner respectfully submits:

The claim language remains broad and the prior art of Gusler still reads upon the limitation. The use of the log as argued is not present in the claim limitation. Further detail must be present in the claim limitation to overcome the rejection.

In response to the alleged lack of prima facie demonstration of obviousness, examiner has again pointed out 103(a) combinations with column and line numbers and supporting motivation to support such combinations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155

B RB


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER